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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,022	12/26/2001	Minoru Itou	SIC-01-008	7830

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/033,022

Applicant(s)

ITOU, MINORU

Examiner

Thomas J. Williams

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-12, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. Acknowledgement is made in the receipt of the information disclosure statement filed December 2, 2002 and amendment A filed December 11, 2002.

2. Applicant's election of Claims 1-12 and 16-20 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Specification***

3. The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Re-claim 19 line 2, it is unclear as to which of the pluralities of casings that "the casing" is referencing. It is suggested that "the casing" be changed to "the bracket casing".

Claim 20 is rejected due to its dependence upon claim 19.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,066,147 to Toyomoto.

Re-claim 1, Toyomoto discloses a connecting apparatus for a control cable C having an inner wire 14 and an outer casing 13, comprising: a cable sleeve 110 receives the outer casing; a guide 105 has a first end portion (nearest 102) and a second end portion, the guide supports the cable sleeve, the cable sleeve moves toward the first end portion and the second end portion (see figures 4 and 5); a biasing device 114 biases the cable sleeve 110 toward the second end portion of the guide.

Re-claims 2 and 3, the first end portion of the guide includes a threaded mounting portion 107 for fixing the guide to a mounting member 102.

Re-claims 4 and 9, the second end portion of the guide receives the outer casing 13 of the control cable.

Re-claims 5 and 10, the cable sleeve is disposed within the guide, a flange at the second end portion of the guide is viewed as a lid, the flange or lid retains the cable sleeve 110 within the guide.

Re-claims 6 and 11, the biasing device 114 is a spring and is disposed between the guide and the cable sleeve.

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Re-claims 7 and 8, the apparatus further comprises a brake lever bracket 3, the first end portion of the guide is mounted to the brake lever bracket; a brake lever is pivotally mounted to bracket 3.

9. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagano.

US 4823915

Re-claim 1, Nagano discloses a connecting apparatus, figure 6, for a control cable A having an inner wire 1 and an outer casing 2, comprising: a cable sleeve 4A receives the outer casing; a guide 3A has a first end portion 31A and a second end portion, the guide supports the cable sleeve, the cable sleeve moves toward the first end portion and the second end portion, see column 3 lines 20-21 and column 5 line 52; a biasing device 5 biases the cable sleeve 4A toward the second end portion of the guide.

Re-claims 2 and 3, the first end portion of the guide includes a threaded mounting portion for fixing the guide to a mounting member 12.

Re-claims 4 and 9, the second end portion of the guide receives the outer casing of the control cable.

Re-claims 5 and 10, the cable sleeve is disposed within the guide, a flange at the second end portion of the guide is viewed as a lid, the flange or lid retains the cable sleeve within the guide.

Re-claims 6 and 11, the biasing device 5 is a spring and is disposed between the guide 3A and the cable sleeve 4A.

Re-claims 7 and 8, the apparatus further comprises a brake lever bracket 12, the first end portion of the guide is mounted to the brake lever bracket; a brake lever 11 is pivotally mounted to bracket 3. Arm 12 is a brake lever and arm 11 is a pivoted brake lever.

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10. Claims 1, 2, 7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,328,138 to Takizawa.

Re-claim 1, Takizawa discloses a connecting apparatus for a control cable 24 having an inner wire 24a and an outer casing 24b, comprising: a cable sleeve 48 receives the outer casing, see column 9 lines 54-55; a guide 32 has a first end portion 35 and a second end portion 34, the guide supports the cable sleeve, the cable sleeve moves toward the first end portion and the second end portion, a distal end of 63 will move toward both the first and second end portions; a biasing device 42 biases the cable sleeve 48 toward the second end portion of the guide 34, see figure 5.

Re-claims 2 and 7, the first end portion 35 is fixed to a mounting member 25, the mounting member is a brake lever bracket.

Re-claim 12, a bellows 46 is disposed at the second end portion 34 of the guide, the bellows sealingly engages the outer casing of the control cable. The outer casing of the control cable is integral with structure 47.

***Allowable Subject Matter***

11. Claims 16-18 are allowed.

12. Claims 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Deligny teaches a control cable adjustment device. Segura et al. teaches an

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automatic adjustment device for control cables. Roca teaches an adjusting device for control cables. Oda et al. teaches a bellows attached to a control cable thus providing protection against foreign matter. Takizawa ('266) teaches a modulator having a window for viewing a relative position of a cable sleeve. FR 2,689,083 teaches a brake actuator.

14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW  
TJW

January 14, 2003

Thomas Williams  
AU 3683  
1-15-03  
THOMAS WILLIAMS  
PATENT EXAMINER